APPENDIX A

Statutes Involved

New York Penal Law (McKinney's Consolidated Laws of New York)

§160. *Criminal anarchy defined*

Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony.

§161. *Advocacy of criminal anarchy*

Any person who:

1. By word of mouth or writing advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or,

2. Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or,

3. Openly, wilfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with

intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or,

4. Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrine.

Is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or both.

New York Judiciary Law (McKinney's Consolidated Laws of New York)

§ 596. *Qualifications of jurors*

In order to be qualified to serve as a juror in the counties included within a city having a population of one million or more, a person must: 1. Be a citizen of the United States, and a resident of the county.

2. Be not less than twenty-one, nor more than seventy years of age.

3. Be the owner, in his or her own right, of real or personal property of the value of two hundred and fifty dollars; or the husband of a woman or wife of a man who is the owner, in his or her own right, of real or personal property of that value.

4. Be in the possession of his natural faculties and not infirm or decrepit.

5. Not have been convicted of a felony or a misdemeanor involving moral turpitude.

6. Be intelligent; of sound mind and good character; well informed; able to read and write the English language understandingly.

A person dwelling or lodging or having or maintaining a dwelling or lodging in a county for the greater part of

the time between October first and June thirtieth next thereafter, is a resident of that county, within the meaning of this section.

§ 609. *Grand jurors in the counties within the city of New York*

1. Selection of grand jurors. The annual list of persons to serve as grand jurors at the terms of the supreme court for the trial of criminal actions within the city of New York, for each year beginning January first and expiring December thirty-first following, shall be made up in the following manner: the county clerk of each county shall make special investigation of persons qualified to serve as trial jurors. The county clerk shall require each applicant for service as a grand juror to record the fingerprints of his two hands in such manner as to contain legibly the points (including the deltas and cores) necessary to afford accurate and complete classification by the state department of correction. Such fingerprints shall be promptly forwarded to the central bureau of criminal identification, records and statistics of such department at Albany with the request that all information on file as to the previous record, if any, of such person, be forthwith transmitted to the county clerk. Upon receipt of such fingerprints, it shall be the duty of the commissioner of correction to cause them to be classified and to cause his records to be searched for information as to the previous record, if any, of the person to whom such fingerprints pertain. If there is no previous record, he shall report that fact. If there is such previous record, he shall promptly transmit to the county clerk full information thereon. The report of the commissioner of correction certifying to the previous criminal record of any person shall be presumptive evidence of the facts so certified. If the commissioner of correction shall report to the county clerk the previous criminal record of an applicant for grand jury service, the county clerk shall not place the name of such person upon the grand jury

list if such person's record contains a conviction for a felony or for a misdemeanor involving moral turpitude. If such commissioner shall report to the county clerk a previous criminal record of any such person containing a conviction for a felony or a misdemeanor involving moral turpitude, the court clerk shall immediately transmit such information to the district attorney, together with any questionnaire that may have been signed by such person in accordance with rules promulgated by the appellate division of the supreme court pursuant to the provisions of section five hundred ninety-two of the judiciary law.

The county clerk shall make a list of those persons who, this investigation shows, are suitable to serve as grand jurors. He shall note upon such list the name of each person whose record shows a conviction for a misdemeanor which in his opinion does not involve moral turpitude. The list shall contain the names of at least the maximum number of persons permitted for the annual grand jury list. The annual grand jury lists shall be selected therefrom by the respective county jury boards.

The number of persons to be selected annually to serve as grand jurors in the counties within the city of New York shall be fixed by rules of the appellate divisions of the supreme court.

2. County jury boards. The county jury boards shall meet annually at the office of the respective county clerks during the month of November on the day fixed by the county boards. The presiding justice of the appellate division of the supreme court, or his designee from among the associate justices of the appellate division, shall act as chairman; in case of the absence of such presiding justice, the members present, if a quorum, shall elect one of their number chairman. Two members exclusive of the county clerk, shall constitute a quorum for the transaction of business, and if a quorum be not present the board shall adjourn from day to day until a quorum is obtained. The county clerks shall act as secretaries of the respective

boards. The county boards may further convene from time to time to fill any vacancies in the lists of grand jurors or to add such number of names thereto as are necessary to make up the full complement of jurors.

3. Summoning; non-attendance. Grand jurors shall be summoned in the same manner as trial jurors and shall be subject to the same penalties as provided in article one hundred and sixteen of the penal law.

4. Drawing of grand jury. Grand jurors shall be drawn by the county clerks of the respective counties under the supervision of the judge or judges of a court of record resident or sitting in such county designated by the appellate division. The method of drawing and the keeping of minutes thereof shall be governed by rules of the appellate division of the supreme court in the departments in which the counties are located.

§ 661. Form of questionnaire

The questionnaire to be filled out by prospective jurors shall contain the substantially following information and shall be in such form as the commissioner may prescribe.

Date Result By Whom Examined

QUALIFICATIONS TO SERVE AS JUROR TO BE FILLED OUT IN OWN HANDWRITING | Do not write in this box

The undersigned certifies to the following answers | Explanations or remarks concerning answers may be made in ruled box on reverse side :

A person who knowingly makes a false statement of a material fact in these certificates is guilty of a misdemeanor, punishable by fine or imprisonment.

1 Print name in full.....
First Name Middle Name Last Name

2 Date of birth.....
Mo Day Year

3 Residence..... Street..... City..... Town or Village..... Tel No. .....

4 How long living at present address..... How long in N. Y. State..... In County.....

5 Give any other name you have used or been known by.....

6 Place of Birth..... If not American born, how became citizen..... When naturalized..... Where.....
City State

7 Education: Primary, High School, College, degrees, special studies, etc.....

8 Occupation..... Employed at present..... Business address..... P.O. Zone No..... Tel No.....

9 Firm name of employer..... How long in present employment.....

10 What other employment during past six years .....

11 Wife's name..... Her occupation..... Her firm..... Her business address.....

12 Do you or your wife own property (such as bank account, furniture, insurance, trust funds, stocks, bonds, mortgages, land, etc.,) worth $250.....

13 Ever served as a juror.....

14 Are you physically disabled or incapacitated..... Is your hearing or eyesight so impaired that you could not intelligently follow a case in court.....

15 Ever had a motor vehicle license revoked or suspended..... Ever been convicted of a criminal charge.....

16 If your answer to any question on lines 14 or 15 is "Yes", give all particulars.....

17 Any judgments outstanding against you..... Nature of action in which obtained.....

18 Have you such views concerning the death penalty as would prevent you from finding a defendant guilty if the crime charged be punishable by death.....

19 In what months of the year between September 1 and June 30 would your prefer to serve (Name two or more months).....

THE MAKING OF A FALSE STATEMENT OF A MATERIAL FACT IN THIS QUESTIONNAIRE IS A MISDEMEANOR, PUNISHABLE BY FINE AND IMPRISONMENT.

The foregoing answers are true in all respects

Sign here .....

Do not write below this line

N	E	O	S	D

A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT OF A MATERIAL FACT IN THIS QUESTIONNAIRE IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY FINE OR IMPRISONMENT

Explanation of any answers on opposite side of this form, or remarks, may be made here

I, ——— do hereby certify:

I do not dwell or lodge nor do I have or maintain a dwelling or lodging in the County of ——— for the greater part of the time between the first day of October and the thirtieth day of June next thereafter, and I am not a resident of said County; but I reside permanently at ———

City of ———, County of ———

State of ———, and have resided there since ———

Examined ——— —19— by ———

I, ——— do hereby certify:

I am entitled to and claim exemption / I am disqualified from doing jury service for the following reason ———

Examined ——— —19— by ———

NAME ADDRESS BIRTH DATE INDEX NO.

RECORD OF JURY SERVICE

Term Drawn	Court	Days In Attendance	Days Actually Served	If Excused Reason	Date Placed in Wheel	Term Drawn	Court	Days In Attendance	Days Actually Served	If Excused Reason

CHANGES OF ADDRESS

New Address

Since

Added L.1954, c. 305, § 1; amended L.1955, c. 797, § 2, eff. July 1, 1955. L.1955, c. 797, § 2, eff. July 1, 1955, inserted "substantially" in opening paragraph.

Library references: Jury ⇐38; C.J.S. Juries § 134 et seq.

APPENDIX B

SUPREME COURT

CRIMINAL TERM—QUEENS COUNTY

THE PEOPLE OF THE STATE OF NEW YORK,

—against—

HERMAN BENJAMIN FERGUSON,
ARTHUR HARRIS,
MILTON ELLIS, a/k/a Clarence Milton Ellis,
MERLE STEWART,
HAMPTON WOODWARD ROOKARD,
URSULA VIRGINIA WEST,
MANDOLA MC PHERSON,
GEORGE SAMUELS,
ABRAHAM C. TAYLOR,
RAYMOND SMITH,
FRED FERNANDEZ,
AL HAYNES, a/k/a Edward Albert Haynes,
JOHN ANDERSON, a/k/a John Shabazz,
HARRIET NOEL,
MICHELLE KAUROUMA,
MOREKA KAUROUMA,
MAX STANFORD, a/k/a Maxwell Curtis Stanford,

Defendants.

NO. 1224-67 INDICTMENT FOR:

ADVOCACY OF CRIMINAL ANARCHY,

CONSPIRACY TO COMMIT THE CRIME OF ADVOCACY OF CRIMINAL ANARCHY as to ALL DEFENDANTS.

CONSPIRACY TO COMMIT THE CRIME OF ARSON IN THE THIRD DEGREE as to HERMAN BENJAMIN FERGUSON, ARTHUR HARRIS, MILTON

ELLIS, a/k/a Clarence Milton Ellis, MERLE STEWART, HAMPTON WOODWARD ROOKARD, URSULA VIRGINIA WEST, MANDOLA MC PHERSON, GEORGE SAMUELS, ABRAHAM C. TAYLOR, RAYMOND SMITH, FRED FERNANDEZ, AL HAYNES, a/k/a Edward Albert Haynes and MAX STANFORD, a/k/a Maxwell Curtis Stanford.

PERMITTING PREMISES TO BE USED FOR ASSEMBLAGES OF ANARCHISTS as to MERLE STEWART and GEORGE SAMUELS.

POSSESSION OF DANGEROUS WEAPON AS A FELONY as to HERMAN BENJAMIN FERGUSON.

POSSESSION OF DANGEROUS WEAPON AS A MISDEMEANOR as to HERMAN BENJAMIN FERGUSON (1 count), MILTON ELLIS, a/k/a Clarence Milton Ellis (2 counts), ARTHUR HARRIS (2 counts), MERLE STEWART (2 counts), HAMPTON WOODWARD ROOKARD (2 counts), MANDOLA MC PHERSON (1 count), GEORGE SAMUELS (1 count).

FIRST COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendants of the crime of ADVOCACY OF CRIMINAL ANARCHY, committed as follows:

The defendants aforenamed, acting in concert, and being aided and abetted by accomplices known and unknown to the Grand Jury, on or about and between October 1st, 1965 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, by word of mouth and writing did advocate, advise and teach the duty, necessity and propriety of over-

throwing organized government by assassination of the executive officers of the government and by force and violence.

That in pursuance and in furtherance thereof, the defendants aforenamed, acting in concert and being aided and abetted by accomplices known and unknown to the Grand Jury, on or about and between October 1st, 1965 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, did print, publish, edit, issue and did knowingly circulate, distribute, and display papers, documents, books and other written and printed matter containing and advocating, advising and teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means.

That in pursuance and in furtherance thereof, the defendants aforenamed, acting in concert, and being aided and abetted by accomplices known and unknown to the Grand Jury, on or about and between October 1st, 1965 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, did organize and help to organize and did become members of and did voluntarily assemble with groups and assembly of persons formed to teach and advocate the doctrine that organized government should be overthrown by force, violence or any other unlawful means.

SECOND COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant MERLE STEWART of the crime of PERMITTING PREMISES TO BE USED FOR ASSEMBLAGES OF ANARCHISTS, committed as follows:

The defendant MERLE STEWART, on or about and between June 1st, 1966 and June 19th, 1967, in the County of Queens, as owner, agent, tenant or occupant, wilfully and knowingly permitted premises 111-29 179th Place, in

the County of Queens, to be used for assemblages of anarchists.

THIRD COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant GEORGE SAMUELS of the crime of PERMITTING PREMISES TO BE USED FOR ASSEMBLAGES OF ANARCHISTS, committed as follows:

The defendant GEORGE SAMUELS, on or about and between February 25th, 1966 and June 19th, 1967, in the County of Queens, as owner, agent, tenant or occupant, wilfully and knowingly permitted premises 120-03 New York Boulevard, in the County of Queens, to be used for assemblages of anarchists.

FOURTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendants of the crime of CONSPIRACY TO COMMIT THE CRIME OF ADVOCACY OF CRIMINAL ANARCHY, committed as follows:

The defendants aforenamed, acting in concert and being aided and abetted by accomplices known and unknown to the Grand Jury, on or about and between October 1st, 1965 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, knowingly, wilfully, corruptly and unlawfully conspired, confederated and agreed with each other and with persons known and unknown to the Grand Jury, to commit the crime of advocacy of criminal anarchy.

And in furtherance of said conspiracy, and in order to effect the objects thereof, the following overt acts, among others, were done and performed by certain of the parties to said unlawful conspiracy, that is to say:

OVERT ACTS

1. On or about December 9th, 1965, the defendants, acting in concert, formed the Jamaica Rifle and Pistol Club to be used as a cover and as a front for the legal possession of weapons.

2. On or about and between October 1st, 1965 and June 19th, 1967, the defendants, acting in concert, obtained an indeterminate amount of rifles, shotguns and pistols.

3. On or about and between July 1st, 1966 and June 19th, 1967, the defendants acting in concert, in the County of Queens, attended classes and received instructions in Aikido and Mayhem.

4. On or about July 29th, 1966, the defendants acting in concert, obtained and stored printing equipment in the County of Queens.

5. On or about May 30th, 1967, the defendant, HERMAN BENJAMIN FERGUSON printed an indeterminate amount of a newsletter "TOTAL RESISTANCE".

6. On or about September 13th, 1966, the defendant, HERMAN BENJAMIN FERGUSON, in the County of Queens, printed and issued literature indicating plans for pulling down high tension wires and action involving deadly force against the police.

7. On or about October 4th, 1966, the defendant, HERMAN BENJAMIN FERGUSON, in the County of Queens, printed and issued literature indicating tactics to be used against the police.

8. On or about and between April 23rd, 1967 and May 28th, 1967, partly in the County of Queens and partly elsewhere, the defendants issued literature advocating the overthrow of organized government called "The Struggle for Black State Power in the U. S."

9. On or about May 5th, 1967, the defendants acting in concert, obtained and possessed in the County of Queens, an indeterminate amount of pipes and gun powder for making explosives.

FIFTH COUNT

THE GRAND JURY OF THE COUNTY OF QUUENS, by this indictment, accuse the defendants HERMAN BENJAMIN FERGUSON, ARTHUR HARRIS, MILTON ELLIS, a/k/a Clarence Milton Ellis, MERLE STEWART, HAMPTON WOODWARD ROOKARD, URSULA VIRGINIA WEST, MANDOLA MC PHERSON, GEORGE SAMUELS, ABRAHAM C. TAYLOR, RAYMOND SMITH, FRED FERNANDEZ, AL HAYNES, a/k/a Edward Albert Haynes and MAX STANFORD, a/k/a Maxwell Curtis Stanford of the crime of CONSPIRACY TO COMMIT THE CRIME OF ARSON IN THE THIRD DEGREE, committed as follows:

The defendants HERMAN BENJAMIN FERGUSON, ARTHUR HARRIS, MILTON ELLIS, a/k/a Clarence Milton Ellis, MERLE STEWART, HAMPTON WOODWARD ROOKARD, URSULA VIRGINIA WEST, MANDOLA MC PHERSON, GEORGE SAMUELS, ABRAHAM C. TAYLOR, RAYMOND SMITH, FRED FERNANDEZ, AL HAYNES, a/k/a Edward Albert Haynes and MAX STANFORD, a/k/a Maxwell Curtis Stanford, acting in concert and being aided and abetted by accomplices known and unknown to the Grand Jury, on or about and between October 1st, 1965 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, knowingly, wilfully, corruptly and unlawfully conspired, confederated and agreed with each other and with persons known and unknown to the Grand Jury, to commit the crime of Arson in the Third Degree.

And in furtherance of said conspiracy, and in order to effect the objects thereof, the following overt acts, among

others, were done and performed by certain of the parties to said unlawful conspiracy, that is to say:

OVERT ACTS

1. On or about April 26th, 1967, the defendants HERMAN BENJAMIN FERGUSON and ARTHUR HARRIS, went to the vicinity of Sutphin Boulevard and Liberty Avenue, in the County of Queens, for the purpose of observing a lumber yard.
2. On or about April 29th, 1967, the defendant ARTHUR HARRIS, went to the vicinity of New York Boulevard and Liberty Avenue, in the County of Queens, for the purpose of observing a tire company.
3. On or about May 5th, 1967, the defendants acting in concert, in the County of Queens, obtained and stored cans of gasoline and oil.
4. On or about May 5th, 1967, the defendants acting in concert, in the County of Queens, obtained and stored an indeterminate amount of pipes and gun powder.

SIXTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant HERMAN BENJAMIN FERGUSON of the crime of POSSESSION OF DANGEROUS WEAPON AS A FELONY, committed as follows:

The defendant HERMAN BENJAMIN FERGUSON, on or about March 27th, 1967, in the County of Queens, did unlawfully possess a dangerous weapon, to wit, a pistol, and at the same time had in his possession a quantity of ammunition which may be used discharge such pistol, and said possession did not take place in defendant's home or his place of business.

SEVENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant HERMAN BENJAMIN FERGUSON of the crime of POSSESSION OF DANGEROUS WEAPON AS A MISDEMEANOR, committed as follows:

The defendant HERMAN BENJAMIN FERGUSON, on or about and between October 1st, 1965 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, unlawfully possessed dangerous weapons with intent to use the same unlawfully against another, to wit, five rifles.

EIGHTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant MILTON ELLIS, a/k/a Clarence Milton Ellis, of the crime of POSSESSION OF DANGEROUS WEAPON AS A MISDEMEANOR, committed as follows:

The defendant MILTON ELLIS, a/k/a Clarence Milton Ellis, on or about March 27th, 1967, in the County of Queens, unlawfully possessed a dangerous weapon, to wit, a pistol.

NINTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant MILTON ELLIS, a/k/a Clarence Milton Ellis, of the crime of POSSESSION OF DANGEROUS WEAPONS AS A MISDEMEANOR, committed as follows:

The defendant MILTON ELLIS, a/k/a Clarence Milton Ellis, on or about March 27th, 1967, in the County of Queens, unlawfully possessed dangerous weapons with intent to use the same unlawfully against another, to wit, a shotgun and two rifles.

TENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant ARTHUR HARRIS, of the crime of POSSESSION OF DANGEROUS WEAPON AS A MISDEMEANOR, committed as follows:

The defendant ARTHUR HARRIS, on or about March 27th, 1967, in the County of Queens, unlawfully possessed a dangerous weapon, to wit, a pistol.

ELEVENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant ARTHUR HARRIS of the crime of POSSESSION OF DANGEROUS WEAPONS AS A MISDEMEANOR, committed as follows:

The defendant ARTHUR HARRIS, on or about and between October 1st, 1966 and June 19th, 1967, in the County of Queens, unlawfully possessed dangerous weapons with intent to use the same unlawfully against another, to wit, four rifles.

TWELFTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant MERLE STEWART of the crime of POSSESSION OF DANGEROUS WEAPONS AS A MISDEMEANOR, committed as follows:

The defendant MERLE STEWART, on or about and between July 1st, 1966 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, unlawfully possessed dangerous weapons, to wit, two pistols.

THIRTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant MERLE STEW-

ART of the crime of POSSESSION OF DANGEROUS WEAPONS AS A MISDEMEANOR, committed as follows:

The defendant MERLE STEWART, on or about and between July 1st, 1966 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, unlawfully possessed dangerous weapons with intent to use the same unlawfully against another, to wit, two rifles.

FOURTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant HAMPTON WOODWARD ROOKARD of the crime of POSSESSION OF DANGEROUS WEAPONS AS A MISDEMEANOR, committed as follows:

The defendant HAMPTON WOODWARD ROOKARD, on or about and between August 23rd, 1966 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, unlawfully possessed dangerous weapons, to wit, two pistols.

FIFTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant HAMPTON WOODWARD ROOKARD of the crime of POSSESSION OF DANGEROUS WEAPONS AS A MISDEMEANOR, committed as follows:

The defendant HAMPTON WOODWARD ROOKARD, on or about and between June 1st, 1966 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, unlawfully possessed dangerous weapons with intent to use the same unlawfully against another, to wit, three rifles.

SIXTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant MANDOLA MC PHERSON of the crime of POSSESSION OF A DANGEROUS WEAPON AS A MISDEMEANOR, committed as follows:

The defendant MANDOLA MC PHERSON, on or about and between November 18th, 1965 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, unlawfully possessed a dangerous weapon with intent to use the same unlawfully against another, to wit, a rifle.

SEVENTEENTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS, by this indictment, accuse the defendant GEORGE SAMUELS of the crime of POSSESSION OF DANGEROUS WEAPON AS A MISDEMEANOR, committed as follows:

The defendant GEORGE SAMUELS, on or about and between August 23rd, 1966 and June 19th, 1967, partly in the County of Queens and partly elsewhere in places known and unknown to the Grand Jury, unlawfully possessed a dangerous weapon, to wit, a rifle.

DISTRICT ATTORNEY.

APPENDIX C

SELECTIONS FROM ORIGINAL RECORD ON APPEAL, DOCUMENT NUMBER 3, "ORDER TO SHOW CAUSE":

Being a Series of Clippings From Newspapers and Magazines Demonstrating the Misleading Publicity Issued by the District Attorney of Queens County Who Accused and Charged Appellant and His Co-Defendants With Advocating the Overthrow of the Government of the United States and Did Not Confine His Charge to the State of New York at or Around the Time of Appellant's Indictment in the Supreme Court of Queens County in June 1967

Headline: "Jail 16 Negroes In Plot To Kill Roy Wilkins" [New York Post, June 21, 1967, p. 1; B-1].*

Headline: "Nab 16 Negroes in Plot to Kill Wilkins

Story: "By VINCENT D. AUSTIN and WILLIAM H. RUDY

"Sixteen Negroes described as members of an anarchist black power group were rounded up in early-morning raids here today and charged with plotting to kill Roy Wilkins, NAACP executive director.

"The 12 men and four women were said to be members of the Revolutionary Action Movement, known as RAM, a group described in testimony before Congress as plotting to overthrow the government.

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* Italicized descriptions on left indicate the nature of the publication, i.e., headline or story; bracketed material indicates the publication source, page of court document indicated by "B-" followed by number of page.

"Seized with the 16, according to Queens District Attorney Mackell, were 30 weapons, including a machine gun and a number of carbines and 1,000 rounds of ammunition.

"Those arrested included the principal of a Queens public school, a Queens teacher, a Board of Education construction engineer, a Welfare Dept. clerk and a Transit Authority clerk.

"Two of the six suspects were charged with six overt acts in the plot, including calls to Wilkins' office to determine his movements, the planning of a getaway route from Wilkins' Queens residence and the purchase of weapons.

"The arrests were made in raids in Queens, Manhattan and Brooklyn by 100 police, many of whom had been working undercover for several months on the case.

"A large number of the detectives, including five women, were Negroes.

"Explosives and pamphlets—one reading: 'Move over—or I'll move you'—were confiscated.

"The DA's office said indictments named:

Herman B. Ferguson, 47, of 129-39 157th St., Jamaica, Queens, assistant principal of PS 42, Jamaica.

Merle Stewart, 47, of 111-29 179th Pl., St. Albans, Queens, a management analyst for the Navy.

Arthur Harris, 22, of 122-88 153rd St., Jamaica, no occupation.

Milton C. Ellis, 33, of 17-09 107th Ave., Queens, a mechanic.

Maxwell Stanford, 26, of 708 Eagle Av., The Bronx, no occupation.

Abraham C. Taylor, 60, of 97-06 Northern Blvd., Queens, an art gallery helper.

Raymond Smith, 33-22 106th St., Queens, no occupation.

Fred Fernandez, 23, of 94-17 32d Av., Queens, no occupation.

Hampton W. Rookard, 29, of 8 Stanhope St., Brooklyn, a construction engineer for the Board of Education.

Ursula V. West, 23, of 195 Willoughby St., Brooklyn, no occupation.

Harriet Noel, 26, of 1070 Anderson Av., The Bronx, no occupation.

Al Haynes, 43, of 6 Raleigh Av., Roosevelt, L. I., a mechanic.

George Samuels, 40, of 120-03 New York Blvd., a Transit Authority clerk.

Mariki Kaurouma, 24, of 25 W. 132d St., an exchange student.

Michele Kaurouma, 24, of 25 W. 132d St.

Mandola G. McPherson, 200-06 120th Av., Jamaica, a Welfare Dept. clerk.

"Mackell said the indictments were handed up yesterday by a Queens grand jury. They charge conspiracy to commit homicide, arson and anarchy.

"In Congressional testimony made public a month ago, FBI Director Hoover called RAM 'a highly-secret all-Negro, Marxist-Leninist, Chinese Communist-oriented organization which advocates guerrilla warfare to obtain its goals.'

"He said that Stokely Carmichael, a leading Black Power advocate, had connections with RAM, which was 'dedicated to the overthrow of the capitalist system in the U.S. by violence if necessary.' Carmichael has not commented on the charge."

• • •

Headline: "16 Arrested in Wilkins Death Plot" [Newsday, June 21, 1967, p. 7; B-3].

Story: "New York—Queens detectives arrested 12 men and four women in Queens, Brooklyn and Manhattan today and apparently foiled assassination attempts on Roy Wilkins, executive director of the National Association for the Advancement of Colored Peoples, and other civil rights leaders.

"A large number of rifles, revolvers, ammunition and various types of bombs were seized in the raids, Queens District Attorney Thomas Mackell said. The arrests followed an investigation of a radical Negro group calling itself 'RAM' for 'Revolutionary Action Movement,' Mackell said. He said RAM members made an abortive attempt to kill Wilkins last March and other moderate civil rights leaders also were marked for assassination by the group. He gave no details of the plot.

"The pre-dawn raids by detectives armed with search warrants followed an indictment handed up Tuesday by a Queens grand jury, accusing the 16 persons of arson, anarchy and homicide. Mackell said the arrested RAM members are followers of Chinese Premier Mao Tse-tung and are associated with another Negro organization called 'Black Americans Unite or Perish,' headed by Robert Williams. He said Wilkins, a resident of Kew Gardens in Queens, has been under police protection since the attempt on his life.

"Mackell said police learned through a telephone call from an informant on March 8 that a carload of heavily-armed RAM members was en route to Wilkins' home to assassinate him. The district attorney said Wilkins was not at home at the time and the car escaped a police search."

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Headline: "THE MURDER TIMETABLE Say Negro Leaders Were To Die This Weekend" [New York Post, June 22, 1967, p. 1; B-4].

Headline: "Death Plot: Timetable Bared"

Story: By RALPH BLUMENFELD and KENNETH GROSS

"A 'timetable' said to have been designed by 16 accused Negro terrorists for the murder of Roy Wilkins and other moderate civil rights leaders was to have been set in motion this weekend, the New York Post was told today.

"The first in a series of assassinations—with Wilkins or Whitney Young, Jr. as the target—would have been attempted by trained snipers in the early morning tomorrow or Sunday, a high police source said.

"The accused plotters, arrested yesterday and held in a total of $207,500 bail for a hearing tomorrow before Queens Supreme Court Justice Livoti, are purported to have picked this week end to launch their plot.

"Their intent was to spur Negro militancy across the nation, police said, following recent ghetto rioting in Atlanta, Tampa, Dayton, Cincinnati and Watts.

"Chief Inspector Garelik and Queens District Attorney Mackell, while satisfied that the alleged plot has been headed off, emphasized that their investigations are continuing.

" 'By no means have we cleaned up the whole movement,' said Mackell. 'There might be some surprises.' "

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Headline: "RIGHTS MURDER PLOT JAILS 16 Targets: Wilkins and Young." [New York Daily News, June 22, 1967, p. 1; B-7].

Headline: "Nab 16 in Death Plot On Negro Moderates

Story: "By THOMAS PUGH, GERALD KESSLER and HENRY LEE

"A plot by Negro extremists to assassinate Roy Wilkins, Whitney Young Jr. and other moderates in the civil rights movements—as well as to strike terror by gasoline and gunpowder—has been frustrated with the arrest of 16 persons, four of them city employes, authorities asserted yesterday."

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Headline: "High Bail Holds 16 In Murder Plot"
[Long Island Press, June 22, 1967, p. 1; B-17].

. . .

Story: "Harris and Ferguson are charged with conspiracy to commit murder in the first degree, criminal anarchy, conspiracy to advocate criminal anarchy, conspiracy to commit arson, and violation of the weapons law.

"Thirteen others also appeared before Justice Livoti.

"Held in $20,000 bail were Merle Stewart, 46, of 111-29 179th Place, St. Albans, management analyst officer, the United States Medical Supply Center, Brooklyn; George Samuels, 40, of Manhattan, owner of a grocery store at 120-03 New York Blvd., Jamaica, the reported headquarters of RAM; Fred Fernandez, 23, of 94-17 32nd Ave., Corona, Manpower Development Board group leader, and Raymond Smith of 33-22 106th St., Corona."

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"Fernandez and Smith, who both have previous convictions, are charged with criminal anarchy, conspiracy to advocate criminal anarchy, conspiracy to commit arson and violations of the weapons law."

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"RAM's declared aim, authorities said, was a revolution that would seize power in the United States and throughout the world by violence and assassination.

"The indictments said that RAM 'teaches, advocates, advises and plans by writing and word of mouth the murder of various members of the Negro race whom it considers to be in opposition to its own policies.'"

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"In discussing the defendants, Mackell said that Fernandez, who headed a group of approximately 20 youths between the ages of 16 and 21, may well have tried to influence them with the RAM philosophy.

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"HE REFUSED comment when asked if Fernandez had recruited any of his charges into RAM. Mackell did point out, however, that most of the defendants came from middle-income brackets."

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"Mackell said the members of the group had banded together in the Jamaica Rifle and Pistol Club to be used as cover and a front to obtain weapons.

"He said they practice their marksmanship at arsenals in Queens, Brooklyn and Nassau.

"He explained that the RAM members underwent classes in karate and mayhem."

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Picture: Picture of Publications, Including "Peking Review" and "Black Power"
[Long Island Press, June 22, 1967, p. 2; B-21].

Caption: "Literature found during the raid allegedly reflects the philosophy of the organization . . . pro

Maoist. The rifle stock was also picked up in the raid."

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Headline: "16 Negroes Seized; Plot to Kill Wilkins And Young Charged"
[New York Times, June 22, 1967, p. 1; B-23].

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Headline: "16 NEGROES HELD IN TERRORIST PLOT"
[New York Times, June 22, 1967, p. 25; B-23].

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Story: "At a news conference in the Queens prosecutor's office, Mr. Mackell and Chief Inspector Sanford Garelik of the Police Department said that other unnamed civil rights leaders, both Negroes and white, and Government officials also had been chosen as future targets of violence by the RAM members.

Mr. Garelik said that the group had been under surveillance for two years by police undercover agents. Mr. Mackell said that planned assassinations of Mr. Wilkins and Mr. Young were to have taken place this year.

The two officials said that the defendants planned to commit arson at gasoline stations, a subway station and a lumber yard."

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"Those arraigned, in addition to Mr. Ferguson and Mr. Harris, were the following

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Fred Fernandez, 23, a former group leader for the Manpower Development Board, a Federal antipoverty project, of 94-17 32d Avenue, Corona.

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Headline: "Charge Negro Plot to Kill Wilkins" [Newsday, June 22, 1967, p. 5; B-24].

Story: "By Jerry Parker:

"Kew Gardens—The Negro extremist organization RAM was accused yesterday of plotting to carry out a number of acts of violence, including the murder of Negro moderate leaders Roy Wilkins and Whitney Young, Jr.

"Police arrested 12 men and four women, including a schoolteacher and an assistant principal, all said to be members of the Revolutionary Action Movement," . . .

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"Queens District Attorney Thomas J. Mackell, said that the 16, arrested on varying charges, were members of RAM, an anarchist group which federal authorities say is pro-Communist China and pro-Cuba. Mackell said that the group had a list of other targets in addition to Wilkins and Young, and that it also had plans to bomb and burn a subway station, a lumber yard, a tire store and gasoline stations."

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"The others, as identified by police, were: . . . Fred Fernandez, 23, of 94-17 32d Ave., Queens; . . . "

"Mackell linked the movement to recent race riots in other U.S. cities. 'There has been a pattern of arson, in Tampa and other cities where there's been trouble,' he said. A map that pinpoints arson targets in the New York area has been seen by undercover men at meetings of the movement, Mackell said. . . . "

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Headline: "3 NAMES ADDED AS PLOT TARGETS"
[New York Times, June 23, 1967, p. 16; B-27].

Headline: "Mackell Says Negro Group Planned Other Killings"

Story: "By McCANDLISH PHILLIPS

"The names of three more persons said to have been marked for assassination by an alleged ring of middle-class Negro revolutionaries were turned over the Federal Bureau of Investigation yesterday by Queens District Attorney Thomas J. Mackell.

"The action was taken, Mr. Mackell's office said, after the White House had called the F.B.I. office in New York to inquire about the other names reportedly on the revolutionary group's selective assassination list."

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"Twelve men and four women, said to be members of the group, were arrested Wednesday in pre-dawn raids carried out by 150 policemen."

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Headline: "White House, FBI Ask Mackell for Details on RAM"
[Long Island Press, June 23, 1967, p. 1; B-28].

Story: "By HAL SHAPIRO"

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"'The first time it was the White House,' Mackell said. 'A presidential aide wanted to know the names of the intended victims in the murder plot by RAM (Revolutionary Action Movement).

"'The second call came from FBI headquarters . . . and they, too, were anxious to know about the activities of RAM.'"

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"HE DESCRIBED the 16 arrested Wednesday on charges including conspiracy to commit murder, criminal anarchy, conspiracy to commit arson and violation of the weapons law, as members of a group which preached the overthrow of our government and the assassination of executives.

"'They are unlike the Minutemen who wanted only to destroy those they termed as "bad" guys. They were opposed to evil influences outside of government, while RAM advocates the violent overthrow of the existing government.'"

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"'THE POLICE Investigation into this matter dates back two years,'" Mackell declared. 'I have had Asst. DA Thomas Demakos of Jackson Heights on the case ever since we were informed about it.

"'He and Lt. James Murphy of my squad have been working together on it. Demakos had to do a tremendous amount of reading and had to digest hundreds of thousands of words before we felt we were ready to proceed.

"'We decided about a week ago to present our information to the regular June grand jury. And, on Tuesday there was the presentation. The grand jury was in session from 9:30 a.m. until 9:30 p.m. before handing up the indictment against 16 people—12 men and four women.'"

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Headline: "Plea for Bail Cut Lost By 10 at RAM Hearing"
[New York Post, June 23, 1967, p. 5; B-31].

Story: "By VINCENT D. AUSTIN and LEONARD KATZ

"In a courtroom packed sympathizers, Queens Supreme Court Justice Livoti today refused to re-

duce bail for 10 of 16 Negroes accused of conspiring to murder certain moderate civil rights leaders."

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"Police, meanwhile, said they had compiled a 'death list' of five persons allegedly marked for assassination by the suspects who have been described as members of the pro-Peking Revolutionary Action Movement."

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"The alleged death list has been turned over to the FBI, reportedly at the request of the White House. Police would not divulge the three names added to the list which originally identified NAACP executive director Roy Wilkins and National Urban League director Whitney M. Young, Jr. as marked for death."

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Headline: "U.S. Eyes Rights Murder Plot"
[Daily News, June 23, 1967, p. 5; B-32].

Story: "By GERALD KESSLER and HENRY LEE

"Federal authorities at the highest level—the White House—intervened yesterday in the alleged murder-and-terrorist plot disclosed Wednesday with the arrest of 16 suspected Negro extremists, five of them city employes."

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"... Queens District Attorney Thomas Mackell did divulge that the suspects had 'preached the overthrow of the government and the assassination of the top executives. The names of Lindsay, Rockefeller and Johnson were bandied about.'

"In February, Chief of Detectives Frederick Lussen briefed Mackell on the Revolutionary Action Movement, to which the 16 defendants reportedly belong.

"The group has been described as a secret Negro terrorist outfit, possibly directed by Robert Williams, with guidance from Communist China."

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Headline: "14 ARE ARRAIGNED IN MURDER PLOT" [New York Times, June 24, 1967, p. 17; B-36].

Headline: "Pretrial Public Statements Deplored by Defense"

Story: "By THOMAS A. JOHNSON

"Fourteen of the 17 Negroes who were indicted Tuesday on charges ranging from plotting to murder moderate Negro civil rights leaders to advocating anarchy were arraigned in Queens County Criminal Court yesterday."

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Headline: "Asst. Principal, Others Arrested; Members of RAM"
[New York Amsterdam News, June 24, 1967, p. 1; B-38].

Story: "By LES MATTHEWS, MALCOLM NASH

"A Queens assistant school principal and a man who identified himself as an African exchange student were among 16 persons, including four women, who were arrested by New York and Philadelphia authorities late Tuesday night in connection with a black extremist group's plot to murder Roy Wilkins, executive secretary of the NAACP, and Whitney M. Young, Jr., executive secretary of the National Urban League."

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Headline: "RAM ANARCHY PLOT HEARING July 19" [New York Amsterdam News, July 1, 1967, p. 1; B-40].

Story: "By LES MATTHEWS"

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"The District Attorney contends that the RAM is Peking-oriented and that the organization organized the Jamaica Rifle and Pistol Club which met in George Small's grocery store at 120-03 New York Blvd., Jamaica, as a front.

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"The Queens District Attorney's Office and the FBI contends that the RAMs received its orders from Robert Williams, formerly of the Union County, N. C. NAACP who is now living in Cuba or China."

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Headline: "Who's Who in Alleged Plot"

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"FRED FERNANDEZ, 27, 94-17 32nd Ave., Corona. He is employed as a Manpower Development Board group leader for boys between 16 and 21."

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